

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

AUGUSTO VELASQUEZ
RODRIGUEZ, for himself and on
behalf of those similarly situated,

Plaintiff,

v.

Case No. 8:20-cv-1399-TPB-TGW

HEARTLAND PAINTING AND
REMODELING SERVICES, INC.,
a Florida Corporation, and EMILIO
MURRIETA, individually,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Thomas G. Wilson, United States Magistrate Judge, entered on March 24, 2021. (Doc. 38). Judge Wilson recommends that “Plaintiff’s Motion for Default Final Judgment” (Doc. 30) against Defendant Heartland Painting and Remodeling Services, Inc. be granted. Judge Wilson specifically recommends that Plaintiff be awarded \$11,940.00 in unpaid overtime wages and liquidated damages against Heartland Painting and Remodeling Services, Inc, along with \$520.00 in taxable costs. Neither party has filed an objection, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate

judge's report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Wilson's report and recommendation, the Court adopts the report and recommendation. Consequently, Plaintiff's motion for final default judgment against Defendant Heartland Painting and Remodeling Services, Inc. is granted.

Accordingly, it is

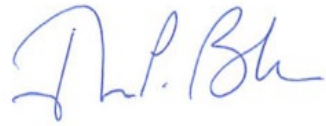
ORDERED, ADJUDGED, and DECREED:

- (1) Judge Wilson's report and recommendation (Doc. 38) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Motion for Default Final Judgment" (Doc. 30) is hereby **GRANTED**. Plaintiff is to be awarded damages as follows: \$5,970 in unpaid overtime wages and \$5,970 in liquidated damages (totaling \$11,940). In addition, Plaintiff is to be awarded \$520 in costs.
- (3) The Clerk is **DIRECTED** to enter final default judgment in favor of Plaintiff Augusto Velasquez Rodriguez, and against Defendant Heartland Painting

and Remodeling Services, Inc., in accordance with this Order.

- (4) This case remains pending as to Defendant Emilio Murrieta.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 26th day of April, 2021.



TOM BARBER
UNITED STATES DISTRICT JUDGE